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10/583,377	06/19/2006	Olivier Savry	292223US2PCT	3122
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHHAYA, SWAPNEEL	
			ART UNIT	PAPER NUMBER
			2895	
			NOTIFICATION DATE	DELIVERY MODE
			05/28/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/583,377	Applicant(s) SAVRY ET AL.	
	Examiner SWAPNEEL CHHAYA	Art Unit 2895	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/19/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “third conductive element” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 23, 36, 32, 33, 35, 37, and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "third conductive element" is not mentioned in the original disclosure of the PCT, it is not in the specification or the previous claims prior to the amendment.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 22, 31, 36, 32, 33, 35, 37 and 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 22, it is unclear as to how the first and second conductive elements are coupled and at the same the second conductive element is not connected. For the purposes of this examination, the second conductive element is coupled to the first conductive element and therefore connected.

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4. Regarding claims 23, 36, 32, 33, 35, 37 and 31, It is unclear what the applicant is referring to with the term "third conductive element."

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no mention of the third conductive element as stated in claims 23, 31, 36, 37, 33, 35, 32.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22-29, 31-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Smola et. al. (U.S. PGPub 20020008428).

Claim 22 : An electronic device comprising: an integrated circuit chip configured to contain or process informative data needing to be securely protected, a first side of the chip comprising at least one first conductive element (1) connected to the integrated circuit (10), and a second side of the chip comprising at least one second conductive

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element, the first conductive element and the second conductive element being coupled by inductive coupling.(Fig. 3 page 3 paragraph 0023)

Claim 23 : A device according to claim 22, wherein the first side of the chip further comprises a third conductive element arranged in proximity to the first conductive element and/or connected in series with the first conductive element. (Fig. 1)

Claim 24 : A device according to claim 23, wherein the first conductive element and the second conductive element include alternate intermingled, wound, or intertwined patterns. (Fig. 2)

Clam 25 : A device according to claim 23, wherein the first conductive element includes a transmitting armature. (Fig. 3 page 3 paragraph 0023)

Claim 26 : A device according to claim 23, wherein the first conductive element and/or the second conductive element include an inductance.(page 3 paragraph 0023)

Claim 27 : A device according to claim 22, wherein the second conductive element includes an earth plane conductance. (Fig. 1)

Claim 28 : A device according to claim 22, further comprising means for electromagnetic excitation of the first conductive element. (Fig. 3 page 3 paragraph 0023 page 4

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paragraph 0026)

Claim 29 : A device according to claim 22, further comprising means for measuring inductance of at least one of the conductive elements and/or for detecting variation in the inductance. (Fig. 1, 3 page 3 paragraph 0023 page 4 paragraph 0026)

Claim 31 : A device according to claim 23, wherein the first conductive element and/or the third conductive element is connected to the integrated electronic circuit inside the chip, whereas the second conductive element is not connected. (Fig. 3 page 3 paragraph 0023 page 4 paragraph 0026)

Claim 32 : A device according to claim 23, wherein the integrated circuit chip includes upper coating layers including at least one metal or conductive level allowing the first conductive element to be connected with the integrated electronic circuit and/or with the third conductive element. (Fig. 3 page 3 paragraph 0023 page 4 paragraph 0026)

Claim 33 : A device according to claim 22, wherein the first and/or the third conductive element form a circuit loop. (Fig. 1)

Claim 34 : A device according to claim 22, wherein the second conductive element forms an earth plane or an equipotential. (Fig. 3 page 3 paragraph 0023 page 4

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paragraph 0026)

Claim 35 : A device according to claim 23, wherein the first and/or the third conductive element includes at least one longilinear metal track. (Fig. 2)

Claim 36 : A device according to claim 23, wherein the first and/or the third conductive element includes plural interconnected sections arranged in a substantially concentric way, so as to form a corrugation or a polygonal spiral or to form a substantially circular spiral. (Fig. 2)

Claim 37 : A device according to claim 23, wherein the first and/or the third conductive element includes plural interconnected sections arranged in a substantially parallel way so as to form at least one meander or one coil.

Claim 38 : A device according to claim 22, wherein the second conductive element includes a plane or a metal plated surface portion or a network of conductive meshes, or a network of substantially circular, square, hexagonal or polygonal meshes, or a grid.

Claim 39 : A device according to claim 22, wherein each conductive element lies in a plane substantially parallel to a side surface of the integrated circuit chip.

Claim 40 : A device according to claim 22, wherein the conductive elements of the

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integrated circuit chip are coated with an encapsulation material.

Claim 41 : A chip card, including at least one electronic device according to claim 22.

Claim 42 : An encryption or decoding device including one or more electronic devices according to claim 22.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smola in view of Van Brocklin et al. (U.S. PGPub 20030081445).

Smola discloses the claimed invention except for the concept of deleting or ceasing to store data of the measured inductance.

Van Brocklin teaches:

Claim 30: A device according to claim 29, further comprising means for deleting or ceasing to store data of the measured inductance in an event of a change being detected in a value of the inductance. (Fig. 2 page 3 paragraph 0024-0025)

It would have been obvious to one having ordinary skill in the

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art at the time the invention was made to (?) as taught by REF B, since Van Brocklin states at page 2 paragraph 0020 that such a modification would increase utility.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SWAPNEEL CHHAYA whose telephone number is (571)270-1434. The examiner can normally be reached on Monday- Thursday 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Richards can be reached on 571-272-1736. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SC

/N. Drew Richards/

Supervisory Patent Examiner, Art Unit 2895